

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 7463-36 CE12125JME	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____		Application Number 10/776,658	Filed FEBRUARY 11, 2004
First Named Inventor BOZZONE ET AL.		Art Unit 2618	
Examiner SOBUTKA, PHILIP		Date AUGUST 5, 2008	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. 33,739 Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ </div> <div style="width: 45%; text-align: right;"> /PABLO MELES/ Signature PABLO MELES Typed or printed name 954-759-8959 Telephone number AUGUST 5, 2008 Date </div> </div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".</p>			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. :	10/776,658	Confirmation No.:	3381
Applicant	: Bozzone et al.	TC/A.U.:	2618
Filed	: February 11, 2004	Examiner:	SOBUTKA, PHILIP
Docket No.	: 7463-36 CE12125JME		
Title	: MODULAR COMMUNICATION SYSTEM		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Attn: **Mail Stop AF**
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action dated May 29, 2008, Applicant respectfully files herewith a Notice of Appeal and requests review of the present application before filing an appeal brief.

Related Appeals

The issues presented in the present application are not related to any pending appeal.

Status of the Claims

Claims 1-20 are pending in the application. Claims 1, 4-6, 14-17, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,219,560 to Erkkila et al ("Erkkila") in view of U.S. Patent No. 6,907,264 to Sterkel. Claims 7-12, 18 and 19 were rejected under section 103(a) as being unpatentable over Erkkila in view Sterkel and U.S. Pat. No. 6,029,072 to Barber. Claims 2, 3, and 13 were rejected under section 103(a) as being unpatentable over Erkkila in view of Sterkel.

Clear Errors for Review

Applicants respectfully assert that there is a clear deficiency in the prima facie case in support of the rejections. The references cited, namely Erkkila, Sterkel and Barber either individually or in combination fail to either anticipate or obviate claims 1-20.

This is a case where the Examiner is assigning or providing a particular definition to a first element in an attempt to anticipate or obviate the Applicant's claims and then impermissibly reassigning the definition of a second element in the cited reference in order to make the reference appear to anticipate or obviate such claims. If the Examiner assigns a particular interpretation to one element, then the second element in this instance will necessarily have a particular interpretation. The issues in this Appeal involve the interpretation of the terms "host" and "modular wireless communication device" as found in the Applicant's claims and the terms "host" and "expansion card" as found in the Erkkila reference. The Examiner is equating the host device shown in FIG. 5 of Erkkila to the Applicant's modular wireless communication device. If the Examiner does this, then the Examiner must then equate the "expansion card" of Erkkila to be a "host" device. In so doing, the Examiner is truly distorting the meaning of what is truly taught in Erkkila, namely that a communication device such as a cell phone is serving as a host device and that it can accept various "expansion cards" to provide additional functionality. The Board is directed to Col. 2, line 64 through Col. 3, line 12 where Erkkila states that the invention is directed to "*...a cellular telephone system the function of which can be increased by means of various expansion cards. Thus, the host device in the system according to the invention, say, a mobile communication device, need not be equipped with all the possible functions...*". Further see Col. 3, lines 49-53 and lines 60-62.

In contrast, Applicants are claiming (as in Claim 7, for example) a modular comm system that includes a modular wireless comm module having a transceiver coupled to a processor and memory, and a first interface block coupled to the processor, and a detachable host device having a power source, a UI, and a second interface block where the host device is one among a plurality of host devices having different UIs and the processor identifies a UI of the detachable host device and adapts to control the different UIs when the first interface block recognizes the second interface block of a given host device. Assuming that the device of FIG. 5 of Erkkila was equivalent to Applicant's "modular wireless communication module", then do the "expansion cards" of Erkkila act as "hosts" and include a power source, a user interface, a second interface block where the "expansion cards" are among a plurality of host devices having different UIs?

Not really. The example provided in Erkkila for "expansion cards" include the "Miniature Card" standard which clearly teaches away from including a power source or a serving as a host. If the Examiner insists on equating the device of FIG. 5 in Erkkila as the modular device, then the "expansion card" must be a "host device" which clearly is not the case.

If interpreted correctly, Erkkila is directed to a mobile comm device serving as a host device and constructed to receive an expansion card which provides the mobile comm device additional capability of generating images or other specific functions. As seen in FIG. 5, Erkkila shows a mobile device having a transceiver 59, a display 55, a UI 54, a memory 53, an interface block 50 and other processing components. In Erkkila, the transceiver 59 is an integral part of the mobile comm device or host, and is not included as part of the expansion card. Notably, the expansion card, which couples to the host through the interface slot 50, provides an imaging function that is separate from RF processing functions associated with the transceiver 59. The expansion card, which provides the imaging functions, does not include a transceiver. Briefly, a first distinguishing feature of the Applicant's embodiments with respect to Erkkila is the functionality and placement of the transceiver. In the Applicant's, the transceiver is part of the modular portion or the wireless comm. module and it is not part of the host device, as in Erkkila.

Applicant's recited claims provide a wireless comm module ("module") that adapts to use for different host devices having different user interfaces. As shown in FIG. 1 of Applicants' Drawings, the module contains a transceiver 13, a processor 14, a first interface block 24, and other components. The module can be coupled to a host device 30 having a second interface block 46, user interface 24 and other components. Notably, the host device is detachable from the module, thereby allowing the module to interface to a plurality of other host devices each having their own specific UIs. The transceiver 13 is specific to the module and provides communication portability among host devices that do not have communication resources. In contrast, the communication aspects of the transceiver are already present on the host device of Erkkila (FIG. 5). Erkkila does not teach that communication resources, such as a transceiver, are on the expansion card, but instead teaches away from having a transceiver on the expansion card

of Erkkila since the communication services are already in the host device of Erkkila. This is a second distinguishing feature of Applicants' embodiments of the invention.

A third distinguishing feature is that the communication functionality of the transceiver is passed to the detachable host device, and the control of the detachable host device is passed to the module (FIG. 17). For example, the first interface block 24 can communicate with the second interface block 46 to receive an identifier signal that identifies the UI 34 on the host device 30. The processor 14 of the module can identify the UI 54 on the host device 30 and adapt a control of the UI 54 in accordance with the display 18 on the module. Notably, this allows the module to display a UI that complies with the input aspects of the detachable host device. In contrast, Erkkila does not teach or contemplate a module having a transceiver and a processor that identify a UI of a detachable host and that controls the detachable host and the associated UI.

Likewise, with respect to Sterkel, Sterkel fails to teach, suggest or contemplate a wireless communication module having a transceiver and a processor that identify a user interface of a detachable host device and control the detachable host device and the associated user interface. For instance, the basic phone module of Sterkel can perform communication functions without the enhanced services module. In contrast, the detachable mobile host device of Applicants' embodiments may not have a communication module, and therefore require the wireless communication module to provide communication functions. Further note, Applicant's claims include a processor of the wireless communication module that adapts to control a user interface of a detachable host device based on an identifier signal identifying the user interface. Neither Erkkila nor Sterkel teaches a processor that adapts to control a user interface based on an identification signal provided by the detachable host. Neither the expansion card or the SIM or Erkkila are capable of identifying the user interface. Sterkel just provides the ability to disable selected functions in the basic phone module in order to use the enhanced services module. With respect to Claim 2, Erkkila and Sterkel do not teach a wireless communication module that conforms to user preferences. With respect to Claims 3 and 4, Erkkila only teaches a display that is part of the mobile host device (FIG. 5). Erkkila does not teach a wireless comm module having a display that presents input from the UI or a display on the camera expansion card.

Other claims were found unpatentable over Erkkila and Sterkel in view of Barber. Briefly, Barber is directed to a portable telephone with terminal mode facility. Barber shows attaching devices to a wireless device where the attached device has its own power supply. FIG. 3 of Barber shows that host device includes a charger 326 that couples to the mobile device 200 to charge a battery of the mobile device. Notwithstanding the fact that Erkkila and Sterkel does not teach a processor that ids a UI of the detachable host device and adapts to control the different UIs as identified in amended claim 7, it would not be obvious to extend the novel aspects claimed to include a power source. The mobile device, when coupled to a host, relinquishes control to the host according to display control commands received by the mobile device from the host. Note, the processor as currently claimed adapts to control the different UIs which is an aspect not taught by Erkkila. Erkkila only teaches that the expanding card includes identifying information such as the type of expansion card (Col. 6, line 6). Erkkila and Sterkel do not teach adapting a control based on identifying a user interface.

The Examiner has established that the "host device" are in fact merely attached devices such as a camera, game controller, or MP3 player as described in instant paragraph [0029] of the instant specification. However, the same processor in each of the devices is clearly not used for the different host devices. A single processor is not shared amongst a plurality of host devices.

Accordingly, it is respectfully submitted that the claims are in condition for allowance and clear error has been committed in the final Office Action. The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 50-0951.

Respectfully submitted,

Date: August 5, 2008

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